

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE:</b>	)	CLASS ACTION
<b>BUDEPRION XL MARKETING AND</b>	)	
<b>SALES PRACTICES LITIGATION</b>	)	2:09-CV-2811 (Lead Case)
(MDL 2107)	)	
	)	
	)	

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF PROPOSED  
CLASS ACTION SETTLEMENT**

Pursuant to Federal Rules of Civil Procedure Rule 23(b)(2) and 23(e), Plaintiffs, by and through undersigned counsel, respectfully move this Court for an Order granting Preliminary Approval of the Proposed Class Action Settlement. Plaintiffs seek an order (1) Preliminarily approving this arms-length, stipulated class action settlement that was reached through mediation; (2) Conditionally certifying this action as a class action on behalf of the Class as defined in the Settlement Agreement; (3) Approving the form of class notice and the class notice plan set forth in the Settlement Agreement; (4) Setting dates by which the class notice and CAFA notice will be given; (5) Setting dates by which briefing on Plaintiffs' request for an award of attorneys' fees, costs and service awards must be filed; (6) Setting dates by which any objections to the Settlement must be received; (7) Setting dates by which all briefing on final approval of the Settlement must be filed; and (8) Setting a date on which the Fairness hearing will be held.

As set forth in Plaintiffs' Memorandum in Support of this Motion attached hereto, the proposed Settlement satisfies the requirements for preliminary approval; the proposed Settlement Class satisfies Federal Rules of Civil Procedure 23(a) and 23(b)(2); certification of a National Class is appropriate; the proposed Class Representatives and

Class Counsel will adequately represent the Class; and the proposed Notice Plan is appropriate and reasonably calculated to apprise Class Members of their rights.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court grant this Motion for Preliminary Approval of Proposed Class Action Settlement, conditionally certify this action as a class action, appoint the Class Representatives and Class Counsel to represent the Class, approve the class notice and notice plan, and set the dates requested herein.

Date: January 30, 2012

Respectfully submitted,

**GOLOMB & HONIK, P.C.**

/s/ KJG2445

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of January, 2012 a true and correct copy of the foregoing Motion for Preliminary Approval and Memorandum in Support of Motion was served via ECF filing and/or via electronic mail (by agreement) to all counsel of record.

/s/ KJG2445

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Kenneth J. Grunfeld, Esquire